

THE CITY OF CLAYTON

Board of Aldermen Meeting
Council Chambers - 10 N. Bemiston Avenue
September 27, 2011
7:00 p.m.

Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Steve Lichtenfeld, Judy Goodman, Michelle Harris, Andrea Maddox-Dallas, and Cynthia Garnholz

Mayor Goldstein
City Manager Owens
City Attorney O'Keefe (arrived at 7:08 p.m.)

Absent: Mark Winings

Mayor Goldstein asked for any questions or comments relating to the September 13, 2011 minutes, which were previously provided to the Board.

Alderman Harris moved to approve the September 13, 2011 minutes. Alderman Goodman seconded the motion.

The motion passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

Mayor Goldstein presented a proclamation to Ruth Berg honoring her 60 year anniversary as a resident of Clayton.

AN ORDINANCE APPROVING GILMORE & BELL AS BOND COUNSEL FOR THE 2011 SPECIAL OBLIGATION BOND ISSUE

City Manager Owens reported that Gilmore & Bell has provided excellent bond counsel services to the City of Clayton related to the issuance of bonds for the past several years. A proposal for services was received from Mark Grimm, Gilmore & Bell, to serve as bond counsel in connection with the issuance of special obligation bonds to fund capital projects in FY 2012-2013 relating to the balance of the reconstruction and equipping of facilities for the Clayton Police Department as well as the various Parks and Recreation and Public Works capital projects scheduled for both fiscal years. The amount of bonds to be issued is approximately \$10,000,000. The bonds will be competitively bid.

The City has been very pleased with the services received in the past, and staff is in favor of retaining this relationship. Under the proposal received, compensation for the services provided

would be \$33,500 plus any out of pocket expenses up to \$500. We believe that this is an appropriate and fair fee.

Recommendation is to approve the ordinance engaging Gilmore & Bell as bond counsel for the 2011 special obligation bond issue.

Alderman Lichtenfeld introduced Bill No 6282, an ordinance designating Gilmore & Bell as bond counsel for the City Of Clayton, Missouri, for the 2011 Special Obligation Bond Issues and establishing terms and conditions for such services to be read for the first time by title only. Alderman Goodman seconded.

In response to the Board's questions, Mark Grimm, Gilmore & Bell, stated that this is a great time to take advantage of the lower interest rates and that the City is making a good decision to borrow.

City Attorney O'Keefe reads Bill No. 6282, an ordinance designating Gilmore & Bell as bond counsel for the City Of Clayton, Missouri, for the 2011 Special Obligation Bond Issues and establishing terms and conditions for such services for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Lichtenfeld introduced Bill No 6282, an ordinance designating Gilmore & Bell as bond counsel for the City Of Clayton, Missouri, for the 2011 Special Obligation Bond Issues and establishing terms and conditions for such services to be read for the second time by title only. Alderman Goodman seconded.

City Attorney O'Keefe reads Bill No. 6282 for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6165 of the City of Clayton.

AN ORDINANCE TO APPROVE PIPER JAFFRAY AS FINANCIAL ADVISOR FOR THE 2011 SPECIAL OBLIGATION BOND ISSUE

City Manager Owens reported that Piper Jaffray has provided excellent financial advisor services to the City of Clayton related to the issuance of bonds for the past several years. A proposal for services was received from Michele Bock of Piper Jaffray to serve as financial advisor in connection with the issuance of special obligation bonds to fund capital projects in FY 2012-2013 relating to the balance of the reconstruction and equipping of facilities for the Clayton Police Department as well as various Parks and Recreation and Public Works capital projects scheduled for these two fiscal years. The amount of bonds to be issued is approximately \$10,000,000. The bonds will be competitively bid in compliance with the City Charter requirements.

The City has been very impressed with the professional expertise, market insight and excellent service received from Piper Jaffray in the past and is sensitive to the fact that Piper Jaffray is already very familiar with the City, its personnel and circumstances and is thereby in an advantageous position to respond rapidly to the City's needs and interests. Staff is in favor of capitalizing on our past relationships with Piper Jaffray and taking advantage of their experience for this undertaking. Under the proposal received, compensation for the services provided would

be \$20,000, plus any fees related to costs of issuance, rating, printing and distribution of disclosure documents, paying agent fees, CUSIP registration and similar services estimated to approximately \$13,750. Staff believes the proposed fees are reasonable, competitive, fair and appropriate in today's marketplace.

Recommendation is to approve the ordinance engaging Piper Jaffray as financial advisor for the 2011 special obligation bond issue.

Alderman Lichtenfeld introduced Bill No. 6283, an ordinance designating Piper Jaffray as financial advisor for the City Of Clayton, Missouri, for a possible 2011 Special Obligation Bond issue and establishing terms and conditions for such services to be considered for the first time and read by title only. Alderman Goodman seconded.

Michelle Bock, Piper Jaffray, addressed the Board confirming what Mark Grimm had previously commented and that this is a very good time to take advantage of historically low rates and that it would be very wise to move forward.

City Attorney O'Keefe reads Bill No. 6283, an ordinance designating Piper Jaffray as financial advisor for the City Of Clayton, Missouri, for a possible 2011 Special Obligation Bond issue and establishing terms and conditions for such services for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Lichtenfeld introduced Bill No. 6283, an ordinance designating Piper Jaffray as financial advisor for the City Of Clayton, Missouri, for a possible 2011 Special Obligation Bond issue and establishing terms and conditions for such services to be considered for the second time and read by title only. Alderman Goodman seconded.

City Attorney O'Keefe reads Bill No. 6283 for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6166 of the City of Clayton.

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF SPECIAL OBLIGATION BONDS OF THE CITY OF CLAYTON, MISSOURI

City Manager Owens reported that pursuant to previous discussion during the budgeting process, this proposed resolution would authorize the offering for sale of \$10 million in special obligation bonds to satisfy funding requirements for the balance of the police station renovation project in FY2012 and other capital projects for Parks and Recreation and Public Works in FY2012 and 2013. The additional projects for Parks and Recreation and Public Works include the tennis center court rebuild, the walking trail, and Hanley House improvements as well as streetscape, traffic signal improvements, Wydown resurfacing, and other smaller projects.

This resolution authorizes the preparation of required documents such as the Notice of Sale, Preliminary Official Statement, and a final Official Statement by the Bond Counsel, Financial Advisor and the Acting Finance Director. The document further expresses that the Board of Aldermen intends to adopt a subsequent ordinance authorizing the issuance of the bonds themselves (if market conditions warrant). Finally, the resolution directs the Mayor, City

Manager and Acting Finance Director to take such actions as may be necessary to carry out the offering for sale of the bonds.

Staff recommends approval of the resolution.

Alderman Lichtenfeld moved to approve Resolution No. 11-33, to authorize the offering for sale of Special Obligation Bonds of the City of Clayton, Missouri. Alderman Goodman seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION TO APPROVE FUNDING FOR CAPITAL PROJECTS AT THE CENTER OF CLAYTON

City Manager Owens reported that as discussed last year and recently during the Joint Meeting of the Board of Aldermen, Board of Education and Clayton, Recreation, Sports and Wellness Commission, the Center of Clayton has experienced failure of the skylights in their building. For the past several months staff has explored options for repair or replacement and discussion has centered on the need for full replacement versus repair. It was determined that the best course of action was full replacement as the cost of the repairs was estimated to be \$110,000 with no guarantee on those repairs. In addition to the skylight repairs, it was also recommended that the other outstanding project, tuckpointing of the exterior of the building, be included in the request.

The City received three responsive bids for the skylight project, with the lowest base bid received from St. Louis Skylights for \$237,900 plus an 8% contingency of \$19,032. Additional expenditures will include \$16,000 to add anodized aluminum framing for the pool area and \$15,000 for roof consultants.

The City received three responsive bids for the tuckpointing project, with the lowest base bid received from Heartland Restoration for the amount of \$48,847. The total cost for the entire project will be \$336,779.00 with the City and the School District splitting the cost.

As this is an unfunded need and the City's budget for FY2012 has been approved without funding of these projects, it is our recommendation that the City use reserve funds to pay its portion of the costs which will be reflected in the first quarter budget amendment. If approved, the total cost to the City will not exceed \$168,389.50.

Recommendation is to approve the resolution authorizing the expenditure as submitted.

Alderman Lichtenfeld moved to approve Resolution No. 11-34 for the funding of Capital Projects at The Center of Clayton. Alderman Goodman seconded.

In response to the Board's questions, Patty DeForrest stated that the warranty on the new skylights is 10 years and that they are expected to last at least 25 years.

Alderman Harris noted that the CRSWC Finance Committee has been well aware of the necessary repairs for well over a year and that the Committee has been trying to be conservative on expenditures. She added that due to safety concerns it is a necessary expenditure.

In response to Alderman Goodman's question, City Manager Owens confirmed that this would be a lump sum payment out of the City's reserve account.

Patty DeForrest informed the Board that it will require at least six to eight weeks for fabrication of the skylights and they should be ready to be installed in January 2012.

The motion passed unanimously on a voice vote.

A RESOLUTION TO APPROVE MULTIPLE CONTRACTS FOR THE CONVERSION OF 10 SOUTH BRENTWOOD INTO A MUNICIPAL AND POLICE FACILITY.

City Manager Owens reported that on June 28, 2011 the Board of Alderman approved a contract with Thornburgh Abatement for the Demolition and Environmental Abatement of 10 South Brentwood. This work is ongoing and scheduled to be completed mid-October 2011. This work was bid in #1 Demolition and #2 Abatement.

On August 22, 2011 the remaining packages for this project were available for bid. Those bid packages are #3 General Building, #4 Fire Protection, #5 Plumbing, #6 Heating Ventilation and Air Conditioning (HV/AC), #7 Electrical, and #8 Solar Array.

A Pre-bid meeting was held at the building on September 6, 2011 and 61 potential bidders attended. Bids were publically opened at 2:00 p.m. on September 20th at 2:00 pm.

The Department of Public Works is requesting approval of the following contracts as shown:

Bid Package	Recommended Bidder	Bid Amount	Contingency	Total
#4 Fire Protection	Fire Tech	\$499,549.00	\$64,142.00	\$563,691.00
#5 Plumbing	DeLuca Plumbing	\$748,800.00	\$96,146.00	\$844,946.00
#6 HV/AC	Icon Mechanical	\$2,619,000.00	\$336,280.00	\$2,955,280.00
#7 Electrical	Kaemmerlen Electric	\$2,314,920.00	\$297,236.00	\$2,612,156.00
Totals		\$6,182,269.00	\$793,804.00	\$6,976,073.00

The City Manager or his designee requests authorization to approve change orders in an amount not to exceed the contingency amounts shown above; which are approximately 12.8% of each bid. This contingency would be used to cover expenditures to correct unknown site issues that become apparent during the project.

It is anticipated that the Contracts for Bid Package #3, General Building, and Bid Package #8, Solar Array, will be ready for consideration by the Board of Aldermen on October 25, 2011. A current budget summary follows:

City of Clayton, Missouri		
10 South Brentwood		
September 27, 2011 - Budget Summary		
Bid Package	Type	Total Cost
#1 - Demolition	Actual	\$463,111
#2 - Environmental Abatement	Actual (\$750,000)	

#3 - General Building	Budgeted	\$5,249,296
#4 - Fire Protection	Actual	\$499,549
#5 - Plumbing	Actual	\$748,800
#6 - HVAC	Actual	\$2,619,000
#7 - Electrical	Actual	\$2,314,920
#8 - Solar Array	Budgeted	\$661,500
#9 - Tenant #2 Improvements	Budgeted	\$230,769
	September 27, 2011 - CURRENT	\$12,786,945
	VS.	
	August 19, 2011 - BUDGET	\$13,024,514
	Over/Under Budget	-\$237,569
	Total Project Contingency	\$1,672,754

Recommendation is to approve the resolution authorizing contracts as shown in the table above.

Alderman Lichtenfeld moved to approve Resolution No. 11-35, multiple contracts for the conversion of 10 South Brentwood into a municipal and police facility. Alderman Goodman seconded.

In response to Alderman Lichtenfeld's question, City Manager Owens stated that staff is working on trying to stay within the approved budget. Mike Pratt added that the numbers are within the approved budget.

Mike Pratt acknowledged that Gary Lowe, Paric Corp., was here tonight to answer any questions that the Board may have. Mike Pratt stated that they are rebidding #3 General Building in order to have a better clarity and he expects the request for contract approval by the end of October. He also stated that #8 Solar Array was set-up to be bid three different ways (deck, elevated and an additional design) which is expected to be ready to go before the Board by end of October.

Mayor Goldstein asked Mike Pratt why he wanted to bring those two bids before the Board in October. She also requested that #3 and #8 bid to be brought before the Board at the first meeting in November instead of the last meeting in October.

Mike Pratt explained that it would give them plenty of lead time since the demolition is almost complete. He said that it would not be a problem to present those contracts for bid at the first meeting in November.

In response to the Board's questions, Mike Pratt explained that tenant #2 will be providing some of the build-out costs which would help on the tenant improvement expenses.

Mike Pratt stated that the environmental abatement is broken out within the budget and that he tried to be consistent with including those costs for informational purposes, but was never part of the bottom line numbers.

The motion passed unanimously on a voice vote.

A RESOLUTION TO DETERMINE THE INTENT OF THE CITY OF CLAYTON, MISSOURI TO REIMBURSE ITSELF FOR CERTAIN CAPITAL EXPENDITURES.

City Manager Owens reported that as the Board is aware, the proposed FY2012 budget book includes debt financing for the Capital Improvement Fund for FY2011 and beyond. Although staff proposed a reimbursement resolution in August to provide for funding of the street resurfacing (originally thought to need as much as \$750,000 beyond the original budget) and part of the police station for FY2011, the resurfacing has come in without extensive base repair, etc. and therefore the City will not issue the \$1 million dollar debt.

In order to fulfill the capital needs in FY2012 and FY2013, we are now requesting that you approve a \$10 million bond reimbursement resolution which when the bond is issued will fulfill the funding requirements for the balance of the police station in FY2012 and other capital projects in FY2012 and 2013. The other projects include Park projects of the tennis center court rebuild, the walking trail and Hanley House improvements and Public Works projects of streetscape, traffic signal improvements, Wydown resurfacing, and other smaller projects.

If the City approves an appropriate resolution any time before money attributable to bond proceeds are spent on these projects or within 60 days of the first expenditure on the defined capital projects it can then reimburse itself for certain capital expenditures. The attached resolution will allow the most flexibility in covering the various project costs. The debt, if needed and issued, will have no property tax impact.

Staff recommends approval of the resolution.

Alderman Lichtenfeld moved to approve Resolution No. 11-36, determining the Intent of the City of Clayton, Missouri, to reimburse itself for certain capital expenditures. Alderman Goodman seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING AN AGREEMENT WITH WASHINGTON UNIVERSITY FOR THE PROVISION OF FIRE PREVENTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES ON THE DANFORTH CAMPUS

City Manager Owens reported that the proposed agreement is for a one-year period with the provision for automatic renewal up to four (4) additional one-year extensions. The agreement does include a ninety-day notice provision if the contract is not to be renewed. The new contract also includes a provision to increase the base service fee by the Consumer Price Index at each renewal. Significant negotiations have been conducted to reach this new agreement that have been beneficial to both parties. Highlights of the new agreement include an increase the base contract price from \$173,000 to \$247,000 FY 2012, an increase of \$74,000 in base fees. The proposed new base fee was established on a current cost for service formula and more accurately reflects the City's full cost for providing these services to the University than prior fee formulas. In addition, there is an escalator that may increase the base on annual renewal; and creation of an Annual Meeting to address planning issues related to upcoming construction projects, fire prevention and public safety/education programs with University leadership. This new provision will significantly help in improving the value of services offered and efficiency and effectiveness of operations.

We believe this arrangement is very beneficial to both Washington University and the City of Clayton and staff recommends approval.

Alderman Lichtenfeld introduced Bill No. 6284, an ordinance to repeal Ordinance No. 5951 and put a new ordinance in place which authorizes the City Manager to enter into an agreement with Washington University for the provision of fire prevention, fire protection and ambulance services to the portion of The Danforth Campus located in unincorporated St. Louis County to be read for the first time by title only. Alderman Goodman seconded.

In response to the Board's questions, City Manager Owens stated that the last increase was approximately five years ago. He added that a clause had been included in the agreement that notes a payment increase as it relates to the Consumer Price Index. He added that in addition to the agreement for medical services Washington University has also contributed funding to other projects such as the Wydown Boulevard sprinkler project. The increases were calculated by the total budget. He noted that they were also prorated based on total calls and that the total included overhead costs that had not been included previously. In summary, the City is recovering true costs.

Mayor Goldstein commended the staff on this accomplishment and pointed out that this shows great strides.

In response to Alderman Goodman's question, City Manager Owens said that the Danforth Center is not within the City's boundaries and therefore the services would require a contract agreement. He added that Fontbonne University and Concordia Seminary are within the City's boundaries.

City Attorney O'Keefe reads Bill No. 6284, an ordinance to repeal Ordinance No. 5951 and put a new ordinance in place which authorizes the City Manager to enter into an agreement with Washington University for the provision of fire prevention, fire protection and ambulance services to the portion of The Danforth Campus located in unincorporated St. Louis County for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Lichtenfeld introduced Bill No. 6284, an ordinance to repeal Ordinance No. 5951 and put a new ordinance in place which authorizes the City Manager to enter into an agreement with Washington University for the provision of fire prevention, fire protection and ambulance services to the portion of The Danforth Campus located in unincorporated St. Louis County to be read for the second time by title only. Alderman Goodman seconded.

City Attorney O'Keefe reads Bill No. 6284 for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6167 of the City of Clayton.

MOTION TO APPROVE THE FY 2012 CRSWC BUDGET

City Manager Owens reported that FY 2012 CRSWC budget is presented tonight for approval by the Board of Aldermen.

Alderman Lichtenfeld moved to approve the CRSWC budget. Alderman Goodman seconded.

Mayor Goldstein commended Patty DeForrest and staff on a great presentation given at last week's joint Board of Alderman and Board of Education meeting.

The motion passed unanimously on a voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Alderman Lichtenfeld moved to approve the Mayor's appointments as reflected - Centennial Task Force - Ward 1 – Elizabeth Robb; Clayton Century Foundation - Ward 1 - Elizabeth Robb, Ward 2 - Ben Uchitelle, and Ward 3 - Lee Hanson; Ecology & Environmental Awareness Committee - Ward 2 – Stan Braude, Ward 2 – Peter LaBlanc, Ward 2 – Richard Marx, and Ward 3 – Jeffrey (J.J.) Flotken; Economic Development Advisory Committee - Ward 2 – Rick Hummel, Ward 2 – Gary Krosch, Ward 2 – Julia Muller, Ward 3 – Vic Frankel, and Ward 3 – Richard Yawitz; Parks and Recreation Commission - Ward 2 – Eric Schneider, Ira Berkowitz, Ward 2 - Melanie Tamsky, Ward 3 – Laurel Harrington and Rosemary Hardy; Plan Commission/ARB - Ward 1 – Ron Reim, and Ward 3 – Harold Sanger; Provisional Judge - Ward 1 – Jeanne Townsend, and Ward 2 – Nancy Watkins; Public Art Advisory Committee - Ward 1 – Cathy Barancik; Non-Uniformed Employee Retirement Board - Ward 2 – Rick Hummel and Ward 3 – Steve Singer.

Alderman Goodman seconded.

Mayor Goldstein explained that the Board has done an extensive review of the Boards and Commissions with recommendation to make amendments to term lengths to include term limitations and also to revamp and restructure some committees. She noted that all appointed members will be informed about the term restructure and that they will be following up on moving forward with those changes.

The motion passed unanimously on a voice vote.

Other

Mayor Goldstein thanked everyone for their participation in the proclamation for Ruth Berg. She noted that Ms. Berg is 98 years of age and is a big promoter of the City of Clayton and how it was fun and exciting to be able to honor her tonight.

Mayor Goldstein acknowledged that the Board of Aldermen had a thorough discussion at its Strategic Discussion Session about the issues that were raised regarding employee compensation for those employees who were at the top of their pay scale. The Board recommended approving the compensation which will be incorporated in the first quarter budget amendment.

Mayor Goldstein thanked Parks and Recreation for their help in working with the Society for the Blind event at Shaw Park. She said that it was an amazing and well attended event. She commended Mike Pratt on the award that the organization presented to the City. She noted that the award plaque also had a statement printed in braille.

Mayor Goldstein reported that the Mayors' Youth Advisory Committee held their first meeting this week and thanked Alderman Harris for participating and speaking on the roles of the elected officials.

City Manager Owens commended Mike Pratt and Gary Lowes (Paric Corporation) on a job well done in putting the bid packages together in such a tight turn-a-round to be able to get it to the Board for approval.

Mayor Goldstein commented that she appreciated that Mike Pratt could hold off bringing the remaining bid packages to the Board, because Alderman Lichtenfeld will be out of town on October 25th and she felt it was important that he could be in attendance when those contracts came before the Board for approval.

There being no further business, the meeting adjourned at 7:54 p.m.

Mayor Pro Tempore

ATTEST:

City Clerk